

DMJ:LTG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

C O M P L A I N T

(8 U.S.C. § 1326(b)(1))

AURELIO AQUINO-RAMIREZ,
also known as
"Angel Aquino,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MARIO A. GARAFFA, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such

Upon information and belief, there is probable cause to believe that on or about October 22, 2011, the defendant AURELIO AQUINO-RAMIREZ, being an alien who had previously been arrested and convicted of a felony, and was thereafter deported from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(1))

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. ICE records reveal that the defendant AURELIO AQUINO-RAMIREZ is a citizen of Mexico.

3. The defendant's criminal history indicates that he was arrested on or about August 5, 1984 and convicted in connection with that arrest in Mt. Vernon, New York, on November 15, 1984 of Sexual Abuse in the First Degree, in violation of Section 130.65(1) of the New York Penal Law, for which he was sentenced to two months incarceration and fifty-eight months probation.

4. On or about February 6, 1985, the defendant was deported from the United States to Mexico. A search of ICE records has revealed that there exists no request by the defendant for permission from either the United States Attorney

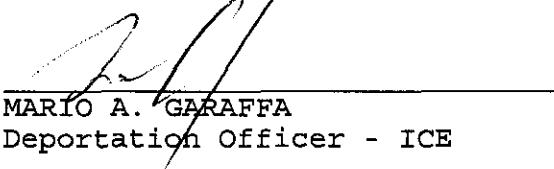
^{1/} Because the purpose of this Complaint is to establish only probable cause to arrest, I have not set forth a description of all the facts and circumstances of which I am aware.

General or the Secretary of the Department of Homeland Security to re-enter the United States after deportation.

5. On or about October 22, 2011, the defendant AURELIO AQUINO-RAMIREZ was arrested in South Hampton, New York and charged with Sexual Abuse in the Second Degree 130.60(2) for inserting his finger into the vagina of an eleven year old girl. The defendant thereafter plead guilty to the offense and was sentenced to 60 days incarceration. On or about November 30, 2011, the defendant was released from the Suffolk County jail directly to ICE custody.

6. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's August 5, 1984 arrest, the fingerprints taken in connection with the defendant's February 6, 1985 deportation, and the fingerprints taken in connection with the defendant's October 22, 2011 arrest, and determined that all three sets of fingerprints were made by the same individual.

WHEREFORE, your deponent respectfully requests that the defendant AURELIO AQUINO-RAMIREZ be dealt with according to law.


MARIO A. GARAFFA
Deportation Officer - ICE

Sworn to before me this
3rd day of January, 2012


ARLENE R. LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK